

REMARKS

Claims 6-28 are pending in this application. Claim 6 is amended to be dependent on claim 12. Entry of the present Amendment is requested, as the amendment to claim 6 simplifies the issues (by reducing the number of independent claims) and does not raise new issues. Re-examination and reconsideration of the application, as amended, are requested.

Claims 6-9, 12-16, 18, 19 and 22-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Causey, III et al. (USP 6,641,533). Claims 6-10 and 12-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tune et al. (USP 5,630,710) in view of Goedeke (5,904,708). Claims 6-28 are further rejected under 35 U.S.C. §103(a) as being unpatentable over Causey, III et al. (USP 6,641,533). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tune et al. (USP 5,630,710) in view of Goedeke (5,904,708) and further in view of Er (USP 6,185,461). Each of these rejections is respectfully traversed.

For purposes of simplifying the issues for consideration, claim 6 is amended herein to depend from claim 12 (and to delete text that is redundant as a result of the dependency on claim 12). As a result, each of the pending claims is dependent (directly or indirectly) from claim 12. Because claim 12 is distinguished from the prior art of record, each of the dependent claims 6-11 and 13-28 are also distinguished from the prior art of record.

More specifically, claim 12 is directed to a medical system that includes a communication device CD and a medical device MD, “wherein the CD display is controlled to depict a plurality of patient programmable options and wherein at least one of the patient programmable options may be enabled or disabled such that when disabled the at least one patient programmable option is no longer displayed as an option.” None of the prior art of record appears to describe or suggest a medical device as claimed. None of the prior art of record describes or suggests displaying options that may be enabled or disabled and when disabled the option is no longer displayed. This feature can provide significant advantages in that a healthcare provider (or a patient) may set a patient’s medical device by enabling or disabling options. Because disabled options will not be displayed, the patient will be less likely to be confused about available options and less likely to select an unintended or disabled option. By removing disabled options from the display, the display itself becomes more user-friendly. This feature and its benefits are neither disclosed nor suggested by the prior art of record.

In the Final Office Action, the Tune et al. patent was cited as describing a medical device in which “infusion parameters can be selected, and where the patient can program (28) there own options into the pump,” citing Column 3, lines 29-47 of the Tune et al. patent. (See Final Office Action, page 5, lines 1-3). However, the cited section of the Tune et al. patent does not describe or suggest a medical system which displays options that may be enabled or disabled and where disabled options are no longer displayed. Instead, Tune states:

“A user interface is operatively associated with the processing circuit and includes a user display in the housing for displaying a plurality of parameters associated with the select delivery program. Each displayed parameter is either user changeable or not user changeable. An input for receiving user programmed commands to select and edit any of the parameters associated with the select delivery program is included within the housing. (Tune patent, Column 3, lines 39-47.)

Thus, Tune et al. describe a user interface that displays delivery parameters, some of which may be changeable (e.g., to change the delivery rate of a pump). In this manner a user of Tune et al.’s system may select and edit some of the delivery parameters shown on a display. However, selecting and editing delivery parameters does not teach or suggest a system in which a plurality of options may be depicted, an option is disabled and the disabled option is no longer displayed. Accordingly, it is respectfully submitted that claim 12 is patentably distinguished over the Tune et al. patent.

Furthermore, none of the other prior art references of record appear to address the above-noted distinctions between claim 12 and the Tune et al. patent. Accordingly, the combination of those references with Tune et al. would not lead to the invention as claimed. Furthermore, Causey III et al. do not appear to address the above-noted distinctions and, thus also does not appear to describe or suggest the system as claimed. Accordingly, it is respectfully submitted that claim 12 is patentably distinguished over Tune et al., Goedeke, Er, or Causey, III et al. alone or in combination.

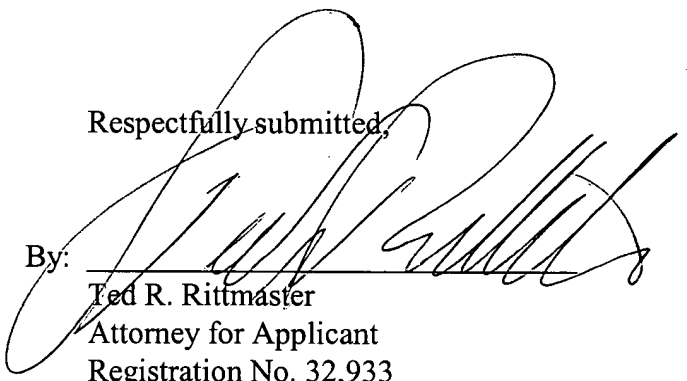
Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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